

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

October 25, 2006

Mike and Georgine Powers
2293 Kootenai River Rd
Libby, Montana 59923

Subject: Response to your letter dated and meeting held on October 12, 2006

Dear Mr. and Mrs. Powers,

The purpose of this letter is to respond to your letter dated October 12, 2006 and summarize agreements between you and the government discussed during the meeting attended by you, Mike Cirian (EPA), and Tommy Cook (CDM) on Thursday, October 12, 2006. The following items were discussed:

Furniture – It was agreed that the government will reimburse you for the damaged furniture in the amount of \$350. The amount will be provided to you in form of a credit to a merchant of your choice. You will be able to keep the furniture. This issue is resolved.

Cottage remodeling – The government recognizes your concerns regarding vermiculite left in walls and inaccessible areas after cleanup activities. However, it is current protocol to leave in place vermiculite in sealed spaces (e.g., walls). EPA is in the process of working with State and local officials and the Libby O&M Group to hire an Environmental Resource Specialist (ERS). The ERS representative will be helping homeowners address issues of encountering vermiculite after cleanup activities are complete. Regarding your request for an “outside remediation expert,” you certainly have the right to seek outside consultation regarding cleanup activities at your property. However, cost incurred with hiring another remediation contractor will be your responsibility.

In accordance with previous agreements, the government will assist you with removal activities associated with remodeling efforts at the cottage. This includes removal of vermiculite-containing interior walls to bare studs. Restoration (e.g., sheetrock, wiring, etc.) will be your responsibility once the removal work is complete. The government requests a minimum of four months lead time prior to work starting for planning and procurement of contractors.

Main house foundation – It was agreed that the government will assist you with the excavation for the foundation. Replacement backfill (common fill) will be provided to you yard-for-yard of excavated material removed. The government requests a minimum of two months lead time prior to work starting for planning and procurement of contractors. Copies of restoration plans and/or

drawings would be greatly appreciated to develop the excavation work plan.

Vermiculite-containing soil behind cottage – It was agreed this work will be performed simultaneously with the foundation work. It is anticipated that you and the cottage tenants will be relocated during removal activities. Arrangements will be made to allow you to have access to your property in order to maintain operations (e.g., feed livestock, water pasture, etc.).

Trees – It was agreed that the government will remove the willow tree, including the stump. For replacement, a credit in the amount of \$140 will be established with a landscape merchant of your choice. The fruit tree will not be removed, pruned, or trimmed.

Additional topics discussed during the meeting:

Reimbursement – We are still researching why our totals do not match. A spreadsheet showing your totals along with the government totals will be provided for discussion. To expedite resolution, the government requests a spreadsheet of check numbers and amounts for all reimbursement items to be compared with internal tracking spreadsheets. At this time, this issue is not yet resolved.

Barn lamp, treated barn lumber, and lawn grass – It was agreed that the government would pay for the total cost of removing the willow tree in lieu of these items.

Noxious weeds – According to Mike Funk, there are no additional weed control sprays scheduled. All paid-for applications have been applied.

Thank you for your patience regarding these matters. If you have further questions regarding the clean up or restoration at your property, please feel free to contact me at the EPA Information Center at (406)293-6194.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cirian".

Mike Cirian, P.E.
Remedial Project Manager
US EPA Libby

cc: Courtney Zamora, USDOT/Volpe Libby
Thomas E. Cook, CDM Libby
Project File, CDM Libby and Denver